

Message Text

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C O N F I D E N T I A L WARSAW 3951

LIMDIS

E.O. 11652: GDS
TAGS: SHUM PL
SUBJ: HUMAN RIGHTS: COUNTRY ACTION PLAN

REF: STATE 124498

1. SUMMARY: THE SUGGESTED TEXT ON HUMAN RIGHTS IN POLAND IS A GOOD FIRST DRAFT. PARTS OF IT, HOWEVER, NEED TO BE UPDATED TO REFLECT THE CURRENT STATE OF AFFAIRS. END SUMMARY.

2. PARA 7. A.1 SHOULD READ: "IN POLAND, THERE IS A RELATIVELY HIGH DEGREE OF RESPECT FOR THE INTEGRITY OF THE PERSON, PARTICULARLY IN COMPARISON WITH THE SITUATION ELSEWHERE IN EAST-ERN EUROPE. SO FAR AS WE ARE AWARE, UNDER ORDINARY CIRCUMSTANCES THERE IS NO TORTURE AND NO CRUEL, IN HUMAND, OR DEGRADING PUNISH-MENT. AS IS THE CASE IN THOSE COUNTRIES WHICH BASE THEIR LEGAL SYSTEMS ON THE NAPOLEONIC CODE, HOWEVER, THE POLICE MAY HOLD PEOPLE FOR UP TO 48 HOURS WITHOUT PREFERRING CHARGES, AND PERSONS CAN BE KEPT FOR UP TO 90 DAYS IN INVESTIGATIVE CUSTODY WITHOUT TRIAL. FREEDOM IN THE HOME FROM ENTRY AND SEARCH IS AT BEST
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QUALIFIED, AND FAIR PUBLIC TRIALS ARE UNLIKELY IN CASES INVOLVING CHARGES OF POLITICAL CRIMES."

3. THE SECOND AND THIRD SENTENCES OF 7.A.2 SHOULD READ: "THE CATHOLIC CHURCH COMMANDS A VERY STRONG POSITION AND CHURCH ATTENDANCE IS HIGH. ACTIVITY BY OTHER RELIGIOUS FAITHS IS ENCOURAGED BY THE AUTHORITIES IN AN ATTEMPT TO WEAKEN THE CATHOLIC

CHURCH. SO FAR, THIS ENCOURAGEMENT HAS BORNE NO FRUITS. INTELLECTUALS AND STUDENTS GENERALLY ENJOY A FAVORED PLACE IN POLISH SOCIETY; ORAL EXPRESSION OF PERSONAL OPINION IS RELATIVELY OPEN, BUT PUBLICATION IS STRICTLY CONTROLLED."

4. THE FIRST SENTENCE OF PARA 7.A.4 SHOULD BE REPLACED BY TWO SENTENCES: "THE GIEREK REGIME CAME TO POWER OVER SIX YEARS AGO AS A RESULT OF VIOLENT OPPOSITION TO POLICIES OF THE COMMUNIST REGIME. INITIALLY, THE POLISH PEOPLE DISPLAYED A TOLERANCE TOWARDS GIEREK WHICH, UNDER POLISH CONDITIONS, AMOUNTED TO RELATIVE POPULARITY." THE WORD "INORDINATELY" SHOULD BE DELETED FROM THE THIRD SENTENCE OF THIS PARAGRAPH. THE FOURTH SENTENCE SHOULD BE AMENDED AND SUPPLEMENTED TO READ: "THE GIEREK LEADERSHIP HAS HAD TO CONTEND WITH GROWING INTELLECTUAL DISSENT OVER HUMAN-RIGHTS SHORTCOMINGS -- DISSENT ENCOURAGED BY THE HELSINKI FINAL ACT -- DESPITE REDUCED INTERNAL REPRESSION IN COMPARISON WITH PREVIOUS POLISH REGIMES, FREER TRAVEL OUTSIDE THE COUNTRY, AND MORE OPEN ACCESS TO NEWS AND THOUGHT FROM THE WEST. INDEED, SINCE THE APPETITE GROWS WITH EATING, THESE FACTORS HAVE ALSO ENCOURAGED THE GROWTH OF DISSENT -- A GROWTH FOR WHICH THE SOIL OF POLAND HAS ALWAYS PROVEN FERTILE."

5. IT IS MORE ACCURATE TO CALL THE ORGANIZATION THE WORKERS' DEFENSE COMMITTEE (WDC). THE NUMBER OF WDC MEMBERS IN PRISON HAS VARIED DURING THE PAST TWO WEEKS. IT WOULD BE SAFER TO SUBSTITUTE "A NUMBER OF WDC LEADERS" IN THE LAST SENTENCE OF 7.A.4.

6. ADD A SENTENCE AT THE END OF PARA 7.B.1(A): "WE SHOULD, CONFIDENTIAL

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HOWEVER, MAKE THE POLISH AUTHORITIES REALIZE THAT LATER APPEALS FOR OUR ASSISTANCE AND UNDERSTANDING (ON FINANCIAL MATTERS, FOR EXAMPLE) WOULD GET A SYMPATHETIC HEARING IF THE DIVIDED-FAMILY PROBLEM WERE ON ITS WAY TO SOLUTION."

7. THE SENTENCE IN PARA 7.B.3 DEALING WITH THE INFLUENCE OF POLISH DISSIDENTS ON THE PRESENT POLITICAL SITUATION IS OVERSIMPLIFIED. SUBSTITUTE: "THE STEPPED-UP ACTIVITY OF POLISH DISSIDENTS, WHICH CAN FAIRLY BE READ AS AN ATTEMPT TO CAPITALIZE ON THE NEW HUMAN-RIGHTS AWARENESS IN THE WORLD, COULD ON THE OTHER HAND HARM THE COURSE OF GREATER LIBERALIZATION IN POLAND. IF THE DISSIDENTS COULD OBTAIN THE DEGREE OF WORKER SUPPORT WHICH THEY HOPE FOR -- AND WE HAVE SO FAR SEEN NO SIGN THAT THEY CAN -- THEY COULD FRIGHTEN THE REGIME INTO A CRACKDOWN, WHICH WOULD RADICALLY CHANGE THE RELATIVELY LIBERAL HUMAN-RIGHTS SITUATION IN POLAND."

8. AN ADDITIONAL PARAGRAPH SHOULD BE ADDED AT THE END OF SECTION B. "POLAND LIES BETWEEN THE SOVIET UNION AND GERMANY.

THIS UNALTERABLE GEOGRAPHICAL FACT SETS A LIMIT TO HOW MUCH IMPROVEMENT CAN BE ACHIEVED IN POLAND WITHOUT A FUNDAMENTAL LIBERALIZATION IN THE USSR. WE CAN EXPECT THE GIEREK REGIME TO BE VERY RESPONSIVE TO THE DEMANDS OF POLAND'S INDUSTRIAL WORKERS, BUT IT MUST ALWAYS KEEP AN EYE ON THE SITUATION IN THE SOVIET UNION AND THE OTHER EASTERN EUROPEAN COUNTRIES. POLAND'S RECORD ON HUMAN RIGHTS IS BETTER THAN THAT OF MOST OTHER EASTERN EUROPEAN COUNTRIES, BUT IT CANNOT GET TOO FAR OUT IN FRONT OF THE OTHERS IF THE REGIME IS TO STAY IN THE GOOD GRACES OF THE KREMLIN AND CONTINUE TO OBTAIN THE POLITICAL AND MATERIAL SUPPORT IT NEEDS FROM THE SOVIET UNION TO SURVIVE."

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